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CONTRA COSTA WASTE SERVICE RECYCLING CENTER AND TRANSFER STATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE, a non-profit  
corporation,

Plaintiff,

vs.

CONTRA COSTA WASTE SERVICE  
RECYCLING CENTER AND TRANSFER  
STATION, a corporation.

Defendant.

Case No. 3:07-cv-04484-BZ

**JOINT NOTICE OF SETTLEMENT  
IN LIEU OF ADR CERTIFICATION,  
CASE MANAGEMENT  
STATEMENTS, AND RULE 26(f)  
REPORT; STIPULATED REQUEST  
TO EXTEND THE EXISTING CASE  
SCHEDULE; [PROPOSED] ORDER**

Conference: January 7, 2008  
Time: 4:00 PM  
Courtroom: G, 15<sup>th</sup> Floor

1 Pursuant to Local Rules 6-2, 7-12, 16-2(d)-(e), Plaintiff California Sportfishing  
2 Protection Alliance and Defendant Contra Costa Waste Service Recycling Center and Transfer  
3 Station hereby notify the Court that the parties have reached a settlement agreement that will  
4 fully resolve this litigation. A true and correct copy of the executed settlement agreement is  
5 attached as Exhibit A to the Declaration of Douglas J. Chermak, filed contemporaneously with  
6 this Notice and Stipulated Request. Plaintiff has forwarded the settlement agreement to the  
7 United States Environmental Protection Agency and the United States Department of Justice to  
8 begin a 45-day review period by those agencies prescribed by Section 505(c)(3) of the Federal  
9 Water Pollution Control Act, 33 U.S.C. § 1365(c)(3). Chermak Dec., ¶ 3; *Id.*, Exhibit B. At the  
10 completion of the 45-day agency review period, the parties will file a stipulated request for  
11 dismissal requesting the Court to maintain jurisdiction over this matter to enforce the terms of  
12 the settlement agreement. *Id.*, ¶ 4 & Exhibit A, ¶ 2.

13 In light of the parties' settlement agreement and the 45-day federal agency review period,  
14 the parties further request that the Court accept this notice of settlement in lieu of the Joint ADR  
15 Certification, formal joint case management statement, and Rule 26(f) Report required pursuant  
16 to the Court's case management order dated August 29, 2007.

17 The parties further request that, in light of the above, the Court extend the initial case  
18 management conference currently scheduled for January 7, 2008 for a period of about 70 days,  
19 until March 19, 2008, by which date the parties will have filed their stipulated request for  
20 dismissal which very likely will obviate the need for preparing either a case management order  
21 or Rule 26(f) Report. Should the case not be dismissed by March 12, 2008, the parties shall file

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1 any necessary case management statement and Rule 26(f) Report by March 12, 2008.

2  
3 Dated: December 21, 2007

Respectfully submitted,

4 LAW OFFICE OF MICHAEL R. LOZEAU

5  
6 By: /s/ Douglas J. Chermak

Douglas J. Chermak

7 Attorney for Plaintiff

8 CALIFORNIA SPORTFISHING PROTECTION  
9 ALLIANCE

10 BASSI, MARTINI, EDLIM & BLUM

11  
12 By: /s/ Joseph Adams (as authorized on 12/21/2007)

13 Joseph Adams

Attorney for Defendant

14 CONTRA COSTA WASTE SERVICE  
15 RECYCLING CENTER AND TRANSFER  
16 STATION

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18  
19 Dated: \_\_\_\_\_, 2007

20 \_\_\_\_\_  
Hon. Bernard Zimmerman

21 United States Magistrate Judge